

10	REMOVAL/EXPUNGEMENT OF DNA SAMPLE AND ASSOCIATED RECORDS FROM CONVICTED OFFENDERS	Page 1 of 1
	DNA DATA BANK OPERATING POLICIES AND PROCEDURES MANUAL	Issue No.: 2
		Effective Date: 15-October-2004
10	REMOVAL/EXPUNGEMENT OF DNA SAMPLE AND ASSOCIATED RECORDS FROM CONVICTED OFFENDERS	
10.1	A person whose DNA profile has been included in the data bank pursuant to § 19.2-310.2 may request expungement on the grounds that the felony conviction on which the authority for including his DNA profile was based has been reversed and the case dismissed.	
10.2	The DFS shall purge all records and identifiable information in the data bank pertaining to the convicted offender and destroy all samples from the offender upon receipt of (i) a written request for expungement pursuant to this section and (ii) a certified copy of the court order reversing and dismissing the conviction.	
10.3	The convicted offender's sample will be destroyed and the associated identifying information will be expunged from the DNA Data Bank tracking computer, the LIDS website (www.scb.state.va.us) and CODIS in accordance with DFS AOP 5. The Expungement Form , DB-4, found in appendix E will be used by the DNA Data Bank Supervisor or designee to ensure that the sample and all associated information, including electronic data, is expunged.	
10.3.1	A member of the DNA Data Bank staff will print a copy of the DNA Data Bank tracking computer and LIDS screens containing all of the convicted offender's identifying information.	
10.3.2	Subsequently the identifying information will be deleted from the DNA Data Bank tracking computer and LIDS and the blank screen for each system will be printed to demonstrate that the convicted offender's identifying information has been expunged from the DNA Data Bank tracking and LIDS computers.	
10.3.3	The State CODIS Administrator or his designee will delete the convicted offender's profile from CODIS and print a copy of the CODIS deletion report.	
10.3.4	All associated records will be sealed in accordance with DFS AOP 5, Expungement of Records.	
10.4	If it is determined that a convicted offender has not been convicted of a felony, the sample will be destroyed and the associated information will be removed from the DNA Data Bank tracking computer and the DNA profile for the sample will be immediately removed from CODIS.	
10.4.1	The destruction of the sample will be witnessed and documented on the Expungement Form, DB-4, found in appendix E. The documentation will include the initials of the individual who destroyed the sample and the date, as well as the initial of the individual who witnessed the destruction. In addition, the Expungement Form will also include the initials of the individual who removed the electronic records from the DNA Data Bank tracking computer, the LIDS website and CODIS and the date the records were removed.	
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